

SENATE BILL 564

F1

2lr2122

By: **Senators Pugh, Benson, Dyson, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kasemeyer, Madaleno, Manno, McFadden, Middleton, Montgomery, Muse, Ramirez, Raskin, Stone, and Zirkin**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Student Health and Fitness Act**

3 FOR the purpose of requiring a public school student in elementary school to be
4 provided a certain minimum level of physical education each week; requiring
5 that the program of physical education for a certain category of student be
6 consistent with a certain plan for the student; requiring public elementary
7 schools to designate a certain group to plan and coordinate the physical
8 education program; requiring the State Board of Education to adopt certain
9 regulations; providing for certain extensions; requiring a county school system
10 that receives a certain extension to have a plan to ensure the county school
11 system’s compliance with this Act by a certain date; and generally relating to
12 student health and fitness.

13 BY renumbering

14 Article – Education
15 Section 7–409(b), (c), (d), (e), and (f), respectively
16 to be Section 7–409(c), (d), (e), (f), and (g), respectively
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2011 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Education
21 Section 7–205(a)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2011 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Education
26 Section 7–409(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2011 Supplement)

3 BY adding to
4 Article – Education
5 Section 7–409(b)
6 Annotated Code of Maryland
7 (2008 Replacement Volume and 2011 Supplement)

8 Preamble

9 WHEREAS, Obesity leads to at least 300,000 deaths among adults in the
10 United States each year due in part to physical inactivity and a poor diet; and

11 WHEREAS, Inadequate participation in physical education is a significant
12 contributor to the “epidemic of obesity” that has plagued the nation’s young people
13 during the past two decades; and

14 WHEREAS, Physical education offers young people many health benefits,
15 including improving aerobic endurance and muscular strength, helping to control
16 weight, building lean muscle and reducing fat, and helping to build greater bone mass,
17 all of which thwart the development of osteoporosis in adulthood and prevent or
18 reduce high blood pressure; and

19 WHEREAS, A growing body of evidence suggests that providing students with
20 more physical education helps reduce the cost schools incur by reducing absenteeism,
21 improving student health, and reducing staff time spent addressing academic
22 performance; and

23 WHEREAS, A growing body of evidence also suggests that improvement in test
24 scores and overall academic achievement can be linked to increased time in physical
25 education; and

26 WHEREAS, The National PTA considers “Early Physical Education” a “Parent
27 Priority” and urges its members to promote physical education in the schools; now,
28 therefore,

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That Section(s) 7–409(b), (c), (d), (e), and (f), respectively, of Article
31 – Education of the Annotated Code of Maryland be renumbered to be Section(s)
32 7–409(c), (d), (e), (f), and (g), respectively.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
34 read as follows:

35 **Article – Education**

1 7-205.

2 (a) The promotion of students in a public school and graduation from a public
3 high school shall be in accordance with:

4 (1) Policies established by the county board; and

5 (2) The rules and regulations of the State Board.

6 7-409.

7 (a) **[Each] SUBJECT TO SUBSECTION (B) OF THIS SECTION, EACH** public
8 school shall have a program of physical education that is given in a planned and
9 sequential manner to all students, kindergarten through grade 12, to develop their
10 good health and physical fitness, **[and] improve their motor coordination and physical**
11 **skills, AND IMPROVE THEIR ACADEMIC ACHIEVEMENT.**

12 **(B) (1) A STUDENT IN ELEMENTARY SCHOOL SHALL BE PROVIDED A**
13 **DAILY PROGRAM OF PHYSICAL EDUCATION TOTALING 150 MINUTES A WEEK.**

14 **(2) AS APPLICABLE, A STUDENT'S PROGRAM OF PHYSICAL**
15 **EDUCATION SHALL BE CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED**
16 **EDUCATION PLAN (IEP).**

17 **(3) EACH PUBLIC ELEMENTARY SCHOOL SHALL DESIGNATE A**
18 **PHYSICAL EDUCATION LEADERSHIP TEAM TO PLAN AND COORDINATE THE**
19 **PHYSICAL EDUCATION PROGRAM.**

20 **(4) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY**
21 **TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.**

22 SECTION 3. AND BE IT FURTHER ENACTED, That any county school system
23 that does not meet the requirements of Section 2 of this Act by October 1, 2013, may
24 apply to the State Department of Education for an extension on compliance with this
25 Act. If granted, an extension shall terminate at the end of July 1, 2014.

26 SECTION 4. AND BE IT FURTHER ENACTED, That a county school system
27 that receives an extension under Section 3 of this Act shall have a plan to ensure the
28 county school system's full compliance with the requirements of this Act by July 1,
29 2014.

30 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2012.